

### Concerning an Article on "South Sea Malaria in California" (C. & W. M., for March, p. 94):

(COPY)

To the Editor:—The March number of CALIFORNIA AND WESTERN MEDICINE contains an article by Lt. Colonel Garnett Cheney who writes from the Hammond General Hospital of Modesto. He cites the presence of anopheles mosquitos in that locality and mentions the danger of dissemination of malaria among the civilian population when brought into such a locality by returned soldiers. Permit me to offer the following which may be pertinent:

Malaria was very prevalent in the locality just south of Modesto long before Pearl Harbor. I practiced in Wheatland from 1913 to 1916 and encountered many cases of malaria; so many that I made it a rule to examine the blood of most of the patients who came to me. Plasmodia were a frequent finding and crescents of æstivo-autumnal malaria were occasionally found.

At times the symptoms did not seem to suggest malaria. One of the last cases I had before leaving there was one of intercostal neuritis which proved resistant to treatment. The blood contained plasmodia. Quinine gave prompt relief.

My theory, for what it may be worth, was that the presence of tropical malaria was a relic of infection brought in by miners of the early days who had come to California by way of Panama. I may indeed have myself contributed somewhat to the local infestation because I had recently come from Dutch Guiana with a severe malarial infection.

Making due allowance for possible changed conditions during more recent years, the mere presence of plasmodia, even of the æstivo-autumnal type in a civilian, patient, would not be conclusive proof that it had been acquired from a returned member of the armed forces.

Yours very truly,

(Signed) A. D. ELLSWORTH, M. D.  
5810 Orange Avenue,  
Long Beach 5, California.

### Concerning Legalization of Therapeutic Abortion:

(From the Office of the C.M.A. Legal Counsel)

(COPY)

Dear Doctor:

The legalization of therapeutic abortion is contained in *California Penal Code*, Sec. 274, which provides as follows:

"Sec. 274. (*Providing or administering drug or employing means to procure miscarriage: Punishment.*) Every person who provides, supplies, or administers to any woman, or procures any woman to take any medicine, drug, or substance, or uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, *unless the same is necessary to preserve her life*, is punishable by imprisonment in the state prison not less than two nor more than five years."

The words "unless the same is necessary to preserve her life" in this statute is the only definition of therapeutic abortion in California. We know of no cases in this state defining the words "necessary to preserve her life."

Decisions by courts of other states have promulgated general rules which would probably be followed in California. *1 Corpus Juris Secundum* summarizes these rules at page 322 as follows:

"Such a statute makes necessity in fact an essential to the exception. If accused in performing the operation did something which was recognized and approved by those reasonably skilled in the medical profession, it cannot be said that the operation was not necessary to preserve the life of the patient. It is not essential that the peril to life be imminent, it being sufficient that it be potentially pres-

ent, even though its full development might be delayed to a greater or less extent. It is not essential that the doctor should believe that the death of the patient would be otherwise certain in order to justify him in procuring the miscarriage. The exception applies only where the death of the mother can reasonably be anticipated to result from natural causes unless the child is destroyed, and it does not relate to death from unnatural causes such as suicide."

A physician should not perform an abortion under any circumstances without consulting and receiving confirmation by at least one other reputable physician of his opinion that the abortion is necessary to save the woman's life.

If I can be of further assistance will you please let me know.

Very truly yours,

HARTLEY F. PEART,

111 Sutter Street, San Francisco.

### Concerning a Morphine Addict:

San Francisco, May 6, 1944.

To the Editor: There is a morphine addict named William J. Collins, whom, I believe should be advertised.

About two months ago, Dr. Wirt B. Dakin, wrote me that the man had given him a bad check for an office visit. A few weeks later one of my urological friends in Santa Ana wrote me that he had given some morphine to one of my patients who was passing blood. I was supposed to have operated upon this man for a papilloma of the bladder, at St. Joseph's Hospital.

Today the man came to my office, stating that he had been referred by Dr. Wirt B. Dakin, who had operated upon him for a cancer and that he was due back in Sawtelle in two days for removal of his bladder and transplantation of the ureter to the skin, and he believed that he was passing a fragment of stone. He voided 3 glasses of blood. He told me the drugs that had been given to him and at the end showed me a morphine tube. When I started to give him demerol, he became very indignant and I ordered him out of the office.

When my secretary came back from lunch, she recognized the name on the book as the man who had used my name on two different occasions in the South.

DR. MILEY B. WESSON, 490 Post Street.

### Concerning California Licensure of Graduates of Foreign Medical Schools:

(COPY)

1020 N St., Room 536,  
Sacramento, 14, California.

Dear Doctor ———:

Dr. George H. Kress has forwarded us your letter of March 7 inquiring as to licensure in the State of California.

Reference to the 1942 American Medical Association directory shows that you are a graduate of the University of Hamburg, Medical Faculty, 1935 and were licensed in the State of New York in 1936.

On September 15, 1935, legislation was enacted in this state, exacting additional requirements of foreign medical school graduates, one of which is one year in rotating internship completed in a hospital located in the United States and approved by the American Medical Association for such training. Your letter states that you completed one year of rotating internship at Mt. Sinai Hospital, Hartford, Connecticut; however, we do not find said hospital listed as approved by the American Medical Association and therefore it seems that you would not be able to qualify for reciprocity on your New York license.

We inclose herewith our form 172-173. Form 173 gives full information as to the requirements for foreign medical school graduates. After reading said form, if further